

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DARREN SHANKS,)	Case No.: 1:20-cv-01083-SAB (PC)
)	
Plaintiff,)	
)	ORDER DIRECTING CLERK OF COURT TO
v.)	RANDOMLY ASSIGN A DISTRICT JUDGE TO
)	THIS ACTION
E. MENDEZ, et al.,)	
)	FINDINGS AND RECOMMENDATIONS
Defendants.)	RECOMMENDING DISMISSAL OF CERTAIN
)	CLAIMS
)	
)	(ECF Nos. 13, 16)
)	

Plaintiff Darren Shanks is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On September 9, 2020, the Court screened Plaintiff's complaint and found that Plaintiff stated a cognizable retaliation claim against Defendants Mendez and Lopez, but no other claims were cognizable. (ECF No. 13.) Plaintiff was granted thirty days to either file an amended complaint or notice of intent to proceed only the claim found to be cognizable. (*Id.*)

On October 9, 2020, Plaintiff filed a notice with the Court. (ECF No. 16.) Plaintiff submits that if he does not file an amended complaint or written to the Court by the thirty day deadline then the action can proceed on the retaliation claim only. (*Id.* at 1.) To date, Plaintiff has not filed an amended complaint or notified the Court otherwise. Accordingly, the Court will act on Plaintiff's October 9, 2020 notice that he intends to proceed only on the retaliation claim against Defendants Mendez and

1 Lopez, and recommend dismissal of all other claims. Fed. R. Civ. P. 8(a); Ashcroft v. Iqbal, 556 U.S.
2 662, 678 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007); Hebbe v. Pliler, 627 F.3d
3 338, 342 (9th Cir. 2010).

4 Accordingly, based on the foregoing, it is HEREBY ORDERED that the Clerk of Court shall
5 randomly assign a District Judge to this action.

6 Further, it is HEREBY RECOMMENDED that:

- 7 1. This action proceed against Defendants E. Mendez and D. Lopez for retaliation in
8 violation of the First Amendment; and
- 9 2. All other claims be dismissed for failure to state a cognizable claim for relief.

10 These Findings and Recommendations will be submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days**
12 after being served with these Findings and Recommendations, Plaintiff may file written objections
13 with the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and
14 Recommendations.” Plaintiff is advised that failure to file objections within the specified time may
15 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
16 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

17
18 IT IS SO ORDERED.

19 Dated: **October 21, 2020**


UNITED STATES MAGISTRATE JUDGE